

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION**

CAHILL RANCHES, INC.,

Plaintiff,

No. 1:21-cv-01363-CL

v.

ORDER

BUREAU OF LAND MANAGEMENT,

Defendant,

v.

**OREGON NATURAL DESERT
ASSOCIATION,**

Intervenor Defendant

AIKEN, District Judge.

This case comes before the Court on a Findings and Recommendation (“F&R”) filed by Magistrate Judge Mark D. Clarke. ECF No 79. Judge Clarke recommends that the Bureau of Land Management’s Motion for Summary Judgment, ECF No. 71 be GRANTED; Oregon Natural Desert Association’s Motion for Summary Judgment,

ECF No. 73 be GRANTED; and that Plaintiff Cahill Ranches' Motion for summary judgment, ECF No. 67, be DENIED.

Under the Federal Magistrates Act, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge's findings and recommendations, "the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate judge's findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. See *Thomas v. Arn*, 474 U.S. 140, 152 (1985) ("There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate's report to which no objections are filed."). Although no review is required in the absence of objections, the Magistrates Act "does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard." *Id.* at 154. The Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that "[w]hen no timely objection is filed," the court should review the recommendation for "clear error on the face of the record."

Plaintiff has filed objections to Judge Clarke's F&R. ECF No. 81. Defendants have responded. ECF Nos. 82, 83. The Court has reviewed the F&R and the record and finds no error. Plaintiff is a ranch with that has held grazing permits on public lands for many decades. Defendant Bureau of Land Management ("BLM") closed

some acreage of permitted grazing to protect ecologically important habitat areas for resource studies to prevent declining of the Sage Grouse. The Court finds that Judge Clarke correctly determined that the Federal Land Policy and Management Act “does not obligate BLM to dedicate every square foot of each pasture to all its competing uses at once” and certainly “does not require BLM to elevate grazing above other uses.” F&R at 14. Further, Judge Clarke did not err in finding that the Taylor Grazing Act does not alter BLM’s broad discretion to manage the public lands for conservation and other uses. *Id.* at 17. Accordingly, it was not error to recommend that Defendants’ motions should be granted and Plaintiff’s denied.

The F&R, ECF No 79, is ADOPTED. Defendant BLM’s Motion for Summary Judgment, ECF No. 71 is GRANTED. Defendant Oregon Natural Desert Association’s Motion for Summary Judgment, ECF No. 73 is GRANTED. Plaintiff Cahill Ranches’ Motion for summary judgment, ECF No. 67, is DENIED.

It is so ORDERED and DATED this 12th day of February 2025.

/s/Ann Aiken
ANN AIKEN
United States District Judge